

Environmental Justice Work Group Meeting Minutes September 14, 2006

Members Present: Erin Field, Laurie Nelson, Jim Wells, Carolina Simunovic, Marilyn Dolan, Mily Trevino- Saucedo, Tracey Brieger, Veda Federighi, Carl Winter, Gary Kunkel, Martha Arguello, Jena Ambacher, Shankar Prasad, Teresa DeAnda.

Members Absent: Terry Stark, Claudia Soria, Brenda Washington Davis, Karen Heisler, Renee Pinel

Facilitators: Joseph McIntyre, Sara Tickler, Kara Vernor

Next Meeting: **October 5, 9:30-3:30**
Location: **2nd Floor Conference Room**
 Regional Council of Rural Counties
 801 12th Street (between H and I streets) Sacramento

Housekeeping:

- Meeting Minutes are approved for posting as final.

Meeting Agenda:

- Welcome and brief introductions
- Background Information
 - How will DPR use the recommendations of the group?
 - Definition of terms: Strategy vs implementation vs operational plan (strategy vs goals vs objectives).
 - Summary of Cal EPA EJ strategy.
- What can be brought forward from the Cal EPA strategy? What needs to be added, deleted or modified?
- What recommendations can we use from the CEJAC report?
- Decision point: three alternate recommendations
 - That DPR adopt the CA EPA strategy.
 - That DPR adopt the strategy with modifications that we recommend.
 - That DPR write a new strategy, based on recommendations that we will develop.
- Plan to circulate preliminary recommendations to stakeholders for input.
- Meeting dates and locations for next meetings
- Closing and Thanks

Meeting Ground Rules:

- Listen
- Respect
- Hold Judgment
- Share Fully
- Courtesy:
 - Silent cells/pagers

- Be concise
- Be on time
- Be prepared

How Will the Work Group's Recommendations for EJ Strategy and Implementation Fit into DPR's Operational Plans

DPR is looking for recommendations that can be folded into their operational plans for action. Recommendations need to be within the statutory authority of DPR. DPR representatives will let us know if a recommendation under consideration will require new resources or changes in DPR's statutory authority.

The group agreed that they would like to fully explore ideas and then determine how they can be implemented.

Short term goals will most likely fit right into the operational plan. The long term goals may take longer because they could require policy or programmatic changes, additional resources, or legislation.

The Department is looking for the work group's best recommendations to make EJ a practical, doable reality for DPR.

The public participation guidelines that CalEPA is developing will be sent to the workgroup for review and comment when they are available. (This may not be for several months.) These guidelines may supercede some public participation recommendations that could come from this group.

It was noted that the branches of DPR responsible for the performance goals are not in the Operational Plan. Veda Federighi will get those to the workgroup.

The performance and accountability page on the DPR website includes information that might be of interest to the work group.

We should put the DPR operational plan aside for now but it will be important to revisit it later and see how/if it needs to be edited to include our EJ recommendations. If we do our job well, our recommendations will affect many of the performance goals in the operational plan.

We will need to define what we mean by consensus at our next meeting. We agree that we want to use a form of consensus for our decision making process.

The relationship between County Ag Commissioners (CACs) and DPR is contractual and statutory. Under California law, CACs are responsible for local enforcement. They carry out these duties under contract to DPR in line with annual negotiated workplans that set forth goals and performance measures. We could recommend what goes into their plans. They are public documents. The CACs and DPR have a cooperative relationship. The CACs work under DPR oversight, and are evaluated annually on their effectiveness.

This group can accomplish many of its recommendations through the CACs. Influencing the operational plans of DPR will naturally trickle down to the local, county level.

Definition of Accountability and Enforcement:

Martha Arguello and Jim Wells suggested the following definitions*:

Enforcement is a tool for effective deterrence; it should be educational, include evaluations and measures of success and be consistent. The actions should be based on common sense and be transparent.

Accountability: The Department's actions have to be transparent. It requires follow up and follow through, and measures of success. The actions need to correspond to the mission and the vision of the DPR.

* These definitions are based on notes taken during the meeting. They will be reviewed and finalized at the next workgroup meeting.

It was suggested that investigations and decisions and subsequent actions be made available bi-lingually on the website or some forum where progress of the investigation can be easily followed and tracked by interested parties. Both industry and EJ advocates requested this form of transparency.

CalEPA and CEJAC Goals:

The CEJAC recommendations were used to develop the CalEPA EJ strategy. Some of the recommendations were not included, however.

The four goals in the CalEPA document:

1. Ensure meaningful public participation and promote community capacity-building to allow communities to effectively participate in environmental decision-making processes.
2. Integrate environmental justice into the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.
3. Improve research and data collection to promote and address environmental justice related to the health and environment of communities of color and low-income populations.
4. Ensure effective cross-media coordination and accountability in addressing environmental justice issues.

Are these the four goals that we want to build from? Comments from the group included:

- Yes, and then if we identify something that doesn't fit under one of them, we can add another.
- Weave Goal 4 into the other three.
- Good foundation but we're not ready to adopt whole cloth. Would like to add another one and change the wording in these somewhat.
- Would like to build upon these.
- There is more discussion to be had.
- What's the reasoning behind the language of Goal 3, "communities of color and low-income populations?" Data shows that both "color" and "low-income" should be included in an "and/or" fashion.
- Need to do some work on these.
- Good skeleton but needs to be fine-tuned to fit DPR.
- Understand that things need to be addressed specifically for DPR but that could be included in our objectives.
- Goal 3 does not keep the playing field level. It shouldn't call out "color" and "low-income." It should end after "...health and environment of communities."
- Would like to elaborate on them further.

Goal 1:

At this point, it appears that this is a valid goal to bring forward.

Objectives to Consider:

Technical translation and assistance should be included in this goal.

Goal 2:

At this point, it appears that this is a valid goal to bring forward.

Goal 3:

- Add “and/or.”
- Remove the end of the sentence because that language is already inherent in the EJ definition. It is the only goal that includes a subset like this. We should be consistent. That goal should be applicable to the entire state.
- Leave it in, not all redundancies are bad. It is sometimes important to call out or reinforce what we mean. Particularly when you discuss research and data, some populations are not studied as much. We want to redress these inequities.
- A recommendation for an objective could include the specifics.
- This specifically gets at addressing communities that have been affected.
- I would hate to ignore a community of color or low-income.
- Does “impacted communities” capture it?
- It needs to tie back into the community through action taken based on the research and data collection.
- Suggested revision: “Improve research, data collection and evaluation to promote and address environmental justice related to the health and environment of communities of color and low-income populations and use research results to improve health in these communities.”
- Impact doesn’t cover it because it doesn’t address the historical impacts that we have experienced in the State.
- We want to be sure to keep those populations that can be invisible and ignored, very visible.
- We could take out “target” and not have any adjective to describe it further.
- We can include what we mean in our description paragraph.
- Suggested revision: “Improve research, data collection and evaluation to promote and address environmental justice related to the health and environment of communities of color, low-income populations or both. Use research results to improve health in these communities.”

Goal 4:

- It should read, “Improve the collaboration of...” instead of “cross-media.” We don’t know what that means.
- DPR is the only department that works across all media, that is, air, water, soil, food, etc.
- To implement something like this would mean to update the memoranda of Understanding (MOUs) which is the vehicle for collaboration among boards and departments.
- Regardless of where the impact occurs, air, water, soil, that there is an effective collaboration.

- Every goal should include this. To specify that it is across media does not make a separate goal.
- It is useful to call out separately so we can develop objectives for it.
- You can't understand this one without reading the descriptive paragraph which is the same as the goal itself. This isn't helpful. The objectives help define it.
- The question of accountability is what brought us to this goal. For example, how is DPR going to work with others to determine where schools should be built in Central Valley?
- EJ is particularly vulnerable within the gaps of air, water, etc.
- These are things that happen at the local level. DPR hardly every gets involved with those issues.
- This may be more of a CalEPA goal than a DPR goal.
- It would be better to integrate it as an implementation strategy under the other goals.
- The vagueness of the goal makes it difficult to apply.
- DPR wants to be accountable in all areas, not just this.
- It could be incorporated with goal 2.
- We could work from the objectives and draft better language for what we mean here.
- We need to keep the objectives pertaining to accountability.
- Accountability is extremely important for implementation.
- Coordination and accountability are two different ideas that aren't coupled at the time.
- We agree to set it aside until a later date and rework it if we haven't addressed the objectives under it elsewhere.

Assignment: Carl Winter and Martha Arguello will look for ways to rewrite goal 4 and/or incorporate it into other goals.

Goal 5 (Suggested by Environmental/Community Representatives):

"Protect public health among communities of color, low-income populations, or both by reducing and preventing exposure to pesticides."

- It seems that we should have a goal that directly addresses why we are here.
- It implies that if you are exposed that you are harmed which isn't always true. Mitigating risk is important but the language suggested doesn't capture that.
- I see it as the first goal, not the fifth goal.
- This might best fit in the objectives or implementation plan. This is already addressed in DPR's mission, vision already. It also is included in Goal 2.
- It should not be a stated goal. It begs the dialogue about whether all pesticides are bad, good, etc.
- We could include "harmful" to describe the type of exposure we are talking about.
- In concept, this goal is good as a first goal. How do we do this? Through the other goals.
- This goal speaks directly to DPR's mission.
- Keep in mind that pesticides include household products such as anti-microbial and disinfectants that will kill e-coli, salmonella, etc. This language would imply reducing use of these health-enhancing products.
- Could revise to say "reducing the most dangerous."
- There are two elements: one is reducing the overall exposure of pesticides and the other is preventing the most dangerous pesticides.
- Not all exposure is harmful.
- Reduction of risk is the more important element here.

Assignment: The group that drafted this goal will tweak it and send it out to the group before our next meeting.

Objectives to Consider:

Technical translation and assistance should be included in this goal.

Future Meeting Dates:

The Work Group agreed to “hold” the following dates for future meetings until further notice:
October 5, 9:30-3:30 in Sacramento (note new time—group agreed that a longer meeting would be more productive)

November 15, 10-4, Tulare/Madera Room, UC Center, 550 E. Shaw Avenue, Fresno

December 12, site to be determined

January 16 – First floor training rooms, Cal/EPA building

February 13 – First floor training rooms, Cal/EPA building

Assignments:

Veda Federighi: Annotate the operational plan with the branch(es) that are responsible for each performance goal.

Martha Arguello: Please email the definitions drafted Sara and Joseph for distribution to the work group.

Carl Winter and Martha Arguello: will look for ways to rewrite goal 4 and/or incorporate it into other goals.

All: Look at CEJAC, CalEPA documents and our notes from the last meeting to determine which objectives you want to include under Goals 1 and 2.

Facilitators: Check in with those members who haven’t come to any of the meetings.

Next Agenda:

We should revisit our definitions for accountability and enforcement and identify gaps in the system where opportunities for improvement exist.